JUDICIARY OF
ENGLAND AND WALES

HIS HONOUR JUDGE MARTIN RUDLAND

MANCHESTER CROWN COURT

R
-V-
MICHAEL BREWER
AND
HILLARY KAYE BREWER

26 MARCH 2013

SENTENCING REMARKS

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1. Michael Brewer. You are 68 years of age. On 8th February 2013 you were convicted by a jury of five sample counts of indecent assault.

2. Hillary Kay Brewer. You are also now 68 years of age. You too were convicted by the jury of a single specific offence of indecent assault.

3. Neither of you has any previous convictions. I shall deal with each of your cases separately.

Michael Brewer

4. In your case Michael Brewer the offences arose between 1979 and 1980 when you were the Director of Music at Chetham's School of Music an educational establishment of world renown.

5. The victim of all these offences, Frances Andrade, or Frances Shorney as she then was, was a pupil at the school from the age of 14 and aged a little over 14 when you first began to commit offences against her.

6. Those offences continued until she was 16 when, as the law then stood, the activity, to which she was submitting ceased to be unlawful.

7. I wish to make it clear that I will also be making reference to the circumstances concerning your relationship with, another pupil, whom I shall call M, who was at a much later stage under your care. However, it is in order solely to inform the situation concerning Frances Andrade. I do so because it shows that you had a particular sexual interest in your pupils.

8. I wish to acknowledge the terribly sad and tragic death of Mrs Andrade during the course of these proceedings. However, it is not for this court to inquire into the circumstances of her death - that will be considered by others in a different jurisdiction. Whilst this court has the deepest sympathy for Mrs Andrade's family I am not able to take her death into consideration when passing sentence today.

9. Whilst you have been convicted of these serious offences - I also have to pay regard to the fact that you have over many years pursued an outstanding and highly successful career in the field of music. You have enthused many young people with your teaching. Countless individuals have been drawn to and led their own eventful and distinguished musical careers on the international stage as a result of your commitment, ability and inspiration. Many have written to the court to confirm these matters. You have had an impressive career but that is now at an end.

10. Sadly there is another side to you and it is this. You were, and may still be, a predatory sex offender. Of that let no-one be in any doubt. You offended against Frances Andrade when she was but 14 years old and you were about 34. She was a child in your care as her teacher. You used your powerful position to select and groom your victims. The situation was compounded by the fact that the position you occupied enabled you to do so, as you chose, with little, if any, prospect of challenge from anyone else. The extent of your breach of trust in this case cannot be overstated.

11. I made reference to victims in the plural. Your interest in Frances Andrade was not the only occasion on which you had sexual designs on a pupil. You conducted a sexual relationship with another pupil, to whom I will refer as M, many years later. She had a crush on you which again you exploited incrementally solely for the purposes of sexual gratification.

12. Yet another pupil, to whom I shall refer as R, was also the object of your unwanted attention when you clearly wished to have sexual contact with her but she was brave enough and strong enough to stand up to you and nothing occurred.

13. Frances Andrade did not have that strength because her abiding desire was to be cared for and cherished by a loving family to which she craved to belong. In that respect the care and attention which you gave her, in so manipulative and depraved a way, were regarded by her as blessings. She was prepared to submit to almost anything, which clearly she did, as you pushed the boundaries further and further – treating her as your sexual plaything in the context of a false loving relationship which she readily accepted.

14. It is surprising that all those who have spoken so well of you at your trial, when called by you in your defence, did so, it seems, in the full knowledge of your relationship with M. It may well be that they were not aware of the detail of the way in which you exploited her but they were apparently nevertheless more than happy to overlook one of the most shocking aspects of this case.

15. Indeed, perhaps one of the few positive features to have emerged from this case is the resulting close scrutiny of the seemingly wider acceptance of this type of behaviour amongst those who should know better.

16. So far as the sentence is concerned it is important to analyse and explain the features which will affect the sentencing process having regard to the fact that the maximum sentence for each of the individual offences of which you have been convicted is one of two years for a single offence taken in isolation.

17. The law dictates that I must sentence you in accordance with the law which was in force at the time you committed these offences but applied in the context of authority from the Court of Appeal (particularly the case of R -v- H [2011] EWCA Crim 2753) which requires a measured regard to current Sentencing Guidelines relevant to the situation revealed by the established facts.

18. In this respect I have had regard to the current guidelines in respect of offences of Sexual Assault of a child aged over 13 and Sexual Activity with a Child under the age of 16. In general terms those guidelines indicate a range of sentences after a trial not exceeding 7 years – the upper end reflecting the type of aggravating features which are present in this case.

19. What is particularly noteworthy in your case Michael Brewer is that you were neither young nor immature at the time of the offending and it cannot be said that a sexual interest in those in your care was confined to Mrs Andrade and you can gain no credit for a guilty plea.

20. In your case the counts on the indictment are sample counts - each reflective therefore of more than one event and also different circumstances and time periods.

21. It is therefore necessary to consider in some detail the offences of which you have been convicted and in particular the period of time over which they took place, the frequency with which they took place, your age and the age of your victim during that period, the varying nature of the activities in question, the varying circumstances in which the offences were committed and the overall position occupied by you in relation to your victim throughout the period of your offending.

22. As always the particular circumstances in which the offences were committed and their seriousness must be the main focus.

23. Mrs Andrade described your offending as beginning with hugs and kisses which progressed to the removal of her clothing, fondling her breasts, digitally penetrating her vagina and culminating in her performing oral sex on you on some occasions to the point of ejaculation. She described this routine of sexual misadventure as rapidly becoming a daily occurrence either in your office or the practice rooms with the activities intensifying as she attained the age of 15.

24. Your activity was accompanied by compliments and flattery as you built up her self esteem and willingness to do your sexual bidding.

25. Of the offences of which the jury convicted you:-

26. Count 1 reflects frequent digital penetration of her vagina in your office when she was aged 14.

27. Count 7 reflects frequent digital penetration of her vagina in your office when she was aged 15.

28. Count 2 reflects the many occasions when you placed your penis in her mouth in your office when she was aged 14.

29. Count 8 represents the many occasions when you placed your penis in her mouth in your office when she was aged 15.

30. Count 11 represents the occasions when you placed your penis in her mouth while driving the camper van when she was aged 15.

31. There is a distinction to be drawn in my view between offences whatever their nature which occurred when the complainant was as young as 14 and those which took place when she was 15 and leading up to her 16th birthday.

32. There is also a distinction to be drawn between digital penetration and the more serious act of placing your penis in her mouth.

33. To reflect those distinctions therefore and the frequency of your offending overall it is in my judgment appropriate to impose consecutive sentences in relation to the differing circumstances of the offences and her age when you were committing them.

34. Together with a file of references I have seen, read and considered in your case a pre-sentence report prepared by Sara Blake dated 25th March. I have also considered the matters raised by Miss Blackwell QC on your behalf.

35. In respect of counts 1 and 7 there will be sentences of 15 months imprisonment on each count which will be consecutive.

36. Consecutive to those consecutive sentences in relation to counts 2 and 8 there will be on each count consecutive sentences of 21 months imprisonment.

37. In respect of count 11 there will be a concurrent sentence of 21 months imprisonment.

38. The total sentence is therefore one of **6 years imprisonment.**

39. Parliament has decided that you will serve half of this sentence in prison and the rest on licence. Time already served will be automatically deducted from the custodial element of the sentence.

40. Following your release and for the rest of your life you will be required to register every change of address with the police and you will in due course be contacted by the Disclosure and Barring Service concerning restrictions relating to future contact with children and young people.

Hillary Kay Brewer

41. You have been convicted of a single offence of indecent assault which took place in 1981. That is count 15 on the indictment. This occurred when Frances Andrade was a guest in your home and had no reason to suppose that she would become the subject of your malevolent sexual desires.

42. You have to a degree been in the shadow of your former husband during these proceedings but in the final event you have emerged as someone who colluded in his offending and who had a sexual agenda of your own.

43. You have for many years clothed yourself in a cloak of Christian respectability doing good work for the community and gaining the admiration of others, some of whom gave evidence on your behalf during the trial. Others have written to the court to express similar sentiments on your behalf. I have no reason to suppose that the words they spoke or wrote were anything other than genuine.

44. However, beneath your latter-day outward good character and desire to care for others you conceal a secret; namely that you preyed upon and exploited a young girl who was vulnerable, pliable and whom you knew was also being exploited sexually by your husband.

45. In those circumstances you assaulted her in a way which Mrs Andrade described as brutal. She said in evidence that you assaulted her in such a manner because she told you, at the time of the commission of the offence, that if you touched her she would not be able to feel anything - such had been the numbing effect of ongoing abuse by your husband and possibly others.

46. For that reason, she said, you digitally penetrated her in a particularly rough way in your desire to gain a response from her. You also masturbated yourself in her presence as a preliminary to the physical assault. She was still only 18 years of age.

47. In your case also your conduct in relation to the pupil M informs the attitude you have towards wholly improper relationships between teachers and pupils willing as you were, in spite of being a teacher yourself, to condone your then 49 year old husband's desire to associate with a 17 year old pupil. Indeed, you said yourself in evidence, that you were "happy that he had found someone he was fond of". That was an extraordinary attitude to take and provides perhaps some insight of your own offending.

48. Mrs Andrade described you in her evidence as a good person who made a huge mistake on one occasion. I cannot and do not comment on that assessment. What is clear is that the one occasion with which the court is concerned, and confines itself, involves an ugly and serious incident which must have had a terrible and hugely confusing effect on your 18 year old victim.

49. She had always regarded you as a stable mother figure in her life irrespective of the attention she had been receiving from Michael Brewer. On this occasion, to her horror, she was betrayed and abused by you as well.

50. In the face of your denials the jury convicted you of the assault which Mrs Andrade described - committed as it was, in the way it was and in the circumstances it was.

51. I have seen and read the references provided on your behalf and the pre-sentence report prepared by Christine Johnson dated the 11th March.

52. I have listened with care to everything which Miss Baxter has said on your behalf.

53. In the end there can be no alternative but to impose a custodial sentence which in your case will be a sentence of 21months.

54. Your case is also subject to the fact that Parliament has decided that you will serve half of this sentence in prison and the rest on licence. In your case also time already served will be automatically deducted from the custodial element of the sentence.

55. Having regard to the age of the victim at the time of the commission of the offence and the fact that I am confined by law to keep any sentence under 30 months - there can be no ongoing registration requirement in your case nor do I consider any further order to be necessary for the protection of the public.